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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Paul William Shields

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EXAMINER

YEN, ERIC L

ART UNIT

PAPER NUMBER

2626

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/501,835	Applicant(s) SHIELDS, PAUL WILLIAM	
	Examiner ERIC YEN	Art Unit 2626	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 May 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5, 7-9 and 20-35 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5, 7-9 and 20-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Amendment

1. In response to the Final Office Action mailed 2/29/08, applicant has submitted an amendment and Request for Continued Examination filed 5/29/08.

Claims 1-3, 5, and 7, have been amended. Claims 6 and 10-19 have been cancelled. New Claims 20-35 have been added.

Response to Arguments

2. Applicant's arguments filed 5/29/08 have been fully considered but they are not persuasive.

Applicant argues that Claim 1 recites "among other features, a system for accessing and updating information stored in a central location. This feature would be understood by one of ordinary skill in the art to mean updating of information already stored in a central location", and "such 'updating' cannot reasonably be interpreted to be the writing, for the first time, of information into a storage section" (Amendment, pages 7-8).

The examiner respectfully disagrees, because that is not the only interpretation the claim language is limited to. "Information stored in a central location" can be considered updated as long as there is some change to the "information", and the addition of a new prescription to old prescription collection that does not include the new prescription to a new prescription collection that includes the new prescription, for example, "updates" the old prescription

Art Unit: 2626

collection to include a new prescription, thus forming the new prescription collection.

Applicant then argues that the Office Action's assertion that "addition of mobile telephone use would have had a benefit that one of ordinary skill would have recognized and thus would have been motivated to combine the teachings of Kobylevsky and Nelson" is incorrect because "Kobylevsky relates purely to a situation in which the doctor is in a medical facility where prescriptions are typically prescribed", including "a doctor's office, hospital or other facility where medical services and prescriptions are typically prescribed". Applicant further argues that "Kobylevsky teaches that the prescription services system can provide confirmation to medical staff" and "apparently teaches away from present subject matter, which includes a system accessing and updating information", and "in this regards, a doctor in a medical facility is not a remote worker" (Amendment, page 8).

The examiner respectfully disagrees, because the nature of the information taught by Kobylevsky does not impact the fact that there is a storage for prescription information whose contents changes whenever a new prescription is entered. Also, the claim does not specify where the "worker" is "remote" to, and so an interpretation of the claim language includes the staff member being somewhere other than the location of the computer containing the prescription information.

Applicant then argues that the Office Action's assertion that "the skilled person would readily incorporate the text-to-speech (TTS) conversion specifically taught by Kobylevsky into a telephone" "is incorrect", because "in Kobylevsky, the VoIP function described in col. 9, lines 33-48 causes the prescription information to reach the medical facility in the form of a voice signal, so that it is not necessary to incorporate a TTS function in the telephone apparatus provided in the medical facility itself (Amendment, page 8).

The examiner respectfully disagrees, because the fact that Kobylevsky teaches one method of implementing the speech synthesis (text-to-speech), specifically using VoIP, it does not limit the data transmission only to VoIP and does not mean that the system cannot be altered such that the text-to-speech system is implemented on the terminal/client/user-side. It is generally known that audio data for a segment of speech is made of more data than the corresponding text, and so to transmit text would put less of a burden on the transmission feature than if the audio data was sent using VoIP. Also, it is generally known that VoIP only takes up a certain amount of bandwidth in a transmission line but that amount does not take up the entire data transmission bandwidth such that no other transmissions can be made. Therefore, it is still possible to make modifications such that the user's voice is transmitted using VoIP and a different portion of bandwidth is used to transmit the text of the prescription information for conversion at the medical staff member's terminal. Nelson teaches that such a terminal is possible and that text-to-speech can be done using a mobile device.

Art Unit: 2626

Therefore, the implementation proposed in the combination is not impossible or impractical.

Applicant further argues that because medical facilities “invariably already has adequate communication facilities”, “one of ordinary skill in the art would recognize that the doctor, or other medical personnel, would simply make use of what is already there. In other words, the doctor, or other medical personnel would pick up the nearest telephone”, and so “a doctor or other medical personnel would not have been motivated to bring their own mobile to call the unit” (Amendment, page 9).

The examiner respectfully disagrees, because, as previously discussed in the previous Office Action, just because something is adequate does not mean that something cannot be further improved. Regardless of how many telephones are present, it would still improve flexibility and add more locations between landline telephones with which to access a database, if mobile telephones were used to access the prescription store. Therefore, since an improvement can be made, one of ordinary skill in the art could still be motivated to incorporate mobile telephones into the system to improve flexibility of access, even if the system of Kobylevsky itself is already “adequate” as applicant argues.

Applicant further argues that “throughout Kobylevsky it is taught that the doctor will be communicating with the unit through speech”, and “Unit 10 contains a ‘voice capture device’... that digitizes the speech signals and sends

Art Unit: 2626

the digital data stream to the server, where it is converted into text", and "this text is then sent to the pharmacy". Applicant argues that "in view of this disclosure, it would not have been obvious to one of ordinary skill in the art to incorporate a TTS system in the medical facility, in a way which would yield signals to the unit that were readily understandable by the unit. In other words, there is no reasonable suggestion to incorporate a TTS system into the system of Kobylevsky... (and) it is highly unlikely that the staff at the medical facility would allow their equipment to be interfered with in this manner" (Amendment, page 10).

First, Kobylevsky already teaches the use of text-to-speech in his system ("text-to-speech conversion", col. 8, lines 33-48) to read information out to a caller. Therefore, it is, in fact, obvious to incorporate a TTS system into the medical facility that implements the system described by Kobylevsky because Kobylevsky explicitly teaches its use. Also, the TTS system is distinct from the "voice capture" that allows the user's input speech to communicate with the system because the "voice capture" is the reverse operation (i.e., speech-to-text) which allows spoken words to be converted/transcribed into prescription information. Therefore, it would be obvious and not "unlikely that the staff at the medical facility would allow their equipment to be interfered with in this manner" , as applicant argues, because Kobylevsky already teaches implementation of TTS in the medical environment that Kobylevsky describes, among other things.

Claim Objections

3. Claims 32-35 objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-2, 4-5, 7, 9, 11-13, 16-18, 20-21, 26-27, are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky et al. (US 6,804,654), hereafter Kobylevsky, in view of Nelson (US 2003/0097262).

As per Claim 1, Kobylevsky teaches a system for accessing and updating information stored in a central location by a remote worker, said system comprising: a central store for storing said information and a telephone for use by said remote worker to interrogate and update said store ("prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical

Art Unit: 2626

personnel”, col. 2, line 62 – col. 3, line 52; “stored and transcribed by prescription services system”, col. 3, line 53 – col. 4, line 11; “record keeping”, col. 6, lines 16-28; “text-to-speech conversion”, col. 8, lines 33-48; “speech-to-text”, col. 6, lines 28-60).

Kobylevsky fails to teach where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be output aurally.

Nelson teaches where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be received aurally (“cellular telephones... equipped with cellular capabilities”, paragraph 2; “handheld computing device... having speech-to-text functionality... may also include a text-to-speech processor”, paragraphs 4-5; “speech-to-text”, paragraph 15; “text-to-speech...output to the user”, paragraph 21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky to include the teaching of Nelson of where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be received aurally, in order to provide the functionality of Nelson in many different environments, as described by Nelson (paragraph 2).

As per Claim 2, Kobylevsky teaches an automatic speech recognition (ASR) system for enabling said remote worker to interrogate said store orally

Art Unit: 2626

(“speech-to-text”, col. 6, lines 28-60; “prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel”, col. 2, line 62 – col. 3, line 52).

Kobylevsky fails to teach in which said mobile phone includes an automatic speech recognition (ASR) system.

Nelson teaches in which said mobile phone includes an automatic speech recognition (ASR) system (“cellular telephones... equipped with cellular capabilities”, paragraph 2; “handheld computing device... having speech-to-text functionality... may also include a text-to-speech processor”, paragraphs 4-5; “speech-to-text”, paragraph 15; “text-to-speech...output to the user”, paragraph 21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky to include the teaching of Nelson of in which said mobile phone includes an automatic speech recognition (ASR) system, in order to provide the functionality of Nelson in many different environments, as described by Nelson (paragraph 2).

As per Claim 4, Kobylevsky teaches in which said information concerns medical information and said remote worker is a medical practitioner (“prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription

Art Unit: 2626

information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel”, col. 2, line 62 – col. 3, line 52; “stored and transcribed by prescription services system”, col. 3, line 53 – col. 4, line 11; “record keeping”, col. 6, lines 16-28; “text-to-speech conversion”, col. 8, lines 33-48; “speech-to-text”, col. 6, lines 28-60).

As per Claims 5, 7, 9, the limitations are similar to those in Claims 1-2 and 4, and so are rejected under similar rationale.

As per Claim 20, the limitations are similar to those in Claim 1, and so is rejected under similar rationale (the teaching of cell phone use in different environments by Nelson [paragraph 2] suggests use in places other than a medical facility, including homes and when used by a doctor, as per Kobylevsky, suggests where the different environment is a patient's home).

As per Claim 21, Kobylevsky teaches said medical worker is a doctor or a health visitor on a house call to a patient (“doctor, pharmacist, or other medical personnel”, col. 2, line 62 – col. 3, line 52).

As per Claims 26-27, the limitations are similar to those in Claims 20-21, and so are rejected under similar rationale.

As per Claims 32-35, their limitations are similar to those in Claim 1, and so are rejected under similar rationale (the limitations describe things that must be present in what is claimed in Claim 1 [e.g., a central store exists on a physical hard drive somewhere]).

3. Claims 3, 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky, in view of Nelson, as applied to Claims 1 and 5, above, and further in view of Garrison (US 2002/0069355, cited in IDS).

As per Claim 8, Kobylevsky, in view of Nelson, fail to teach encrypting said information before accessing and updating.

Garrison teaches encrypting said information before accessing and updating (“query for the database system...The server encrypts the requested data and transmits the encrypted data to the client”, paragraph 14; “encrypt a request”, paragraph 49; where Garrison teaches where the user input and the information being transferred to the user are both encrypted, and so, when applied to Kobylevsky, the updating of the database [by entering prescription information, for example] is encrypted, as is the materials transferred to the user for review, for example).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky, in view of Nelson, to include the teaching of Garrison of encrypting said information before accessing and

Art Unit: 2626

updating, in order to prevent information from being accessed by unauthorized users, as described by Garrison (paragraph 3).

As per Claims 3, its limitations are similar to those in Claim 8, and so is rejected under similar rationale.

4. Claims 22-25, and 28-31 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kobylevsky, in view of Nelson and Blechman (2003/0088434).

As per Claim 1, Kobylevsky teaches a method of accessing and updating information stored in a central location by a remote worker, said system comprising: a central store for storing said information and a telephone for use by said remote worker to interrogate and update said store ("prescription services system... dialing... telephone... prompts the caller to provide prescription information... transcribes... records the voice prescription information... stores same for later retrieval and review by a doctor, pharmacist, or other medical personnel", col. 2, line 62 – col. 3, line 52; "stored and transcribed by prescription services system", col. 3, line 53 – col. 4, line 11; "record keeping", col. 6, lines 16-28; "text-to-speech conversion", col. 8, lines 33-48; "speech-to-text", col. 6, lines 28-60).

Kobylevsky fails to teach where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be output aurally.

Nelson teaches where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be received aurally (“cellular telephones... equipped with cellular capabilities”, paragraph 2; “handheld computing device... having speech-to-text functionality... may also include a text-to-speech processor”, paragraphs 4-5; “speech-to-text”, paragraph 15; “text-to-speech...output to the user”, paragraph 21)

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky to include the teaching of Nelson of where the telephone is a mobile telephone and in which said mobile telephone includes a text to speech (TTS) system for enabling said information to be received aurally, in order to provide the functionality of Nelson in many different environments, as described by Nelson (paragraph 2).

Kobylevsky, in view of Nelson, fail to teach where said information is legal information and said worker is a legal worker.

Blechman suggests where said information is legal information and said worker is a legal worker (“Enter information... probation... parole”, paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky, in view of Nelson, to include the teaching of Blechman of where said information is legal information and said worker is a legal worker, in order to provide expanded use to a database system, as described by Blechman (paragraph 18).

As per Claim 23, Kobylevsky, in view of Nelson, fail to teach where said legal worker is a police officer or parole officer.

Blechman suggests where said legal worker is a police officer or parole officer ("Enter information... probation... parole", paragraph 18).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of invention to modify Kobylevsky, in view of Nelson, to include the teaching of Blechman of where said legal worker is a police officer or parole officer, in order to provide expanded use to a database system, as described by Blechman (paragraph 18).

As per Claims 24-25, and 28-31, the limitations are similar to those in Claims 22-23, and so are rejected under similar rationale.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIC YEN whose telephone number is (571)272-4249. The examiner can normally be reached on M-F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on 571-272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2626

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EY 8/19/08

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626